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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,639	02/12/2004	Joo-yoen Lee	Q77660	1760
23373	7590	07/18/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			07/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.	Applicant(s)	
10/776,639	LEE ET AL.	
Examiner	Art Unit	
Duc C. Ho	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 12 February 2004.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-4, 7, 10, 11, 14 and 15 is/are rejected.  
7) Claim(s) 5, 6, 8, 9, 12 and 13 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1-19-06.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3, 7, 10, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tults (US 6,784,943).

Regarding claim 1, Tults discloses auxiliary data extractor in a television. In Tults the detection of closed caption data format is performed in a search mode, wherein a performance in the search mode corresponds to detecting a format in the broadcast signal automatically.

*a) receiving information including the closed caption data from the broadcast signal (a television receiver-fig.2 receives information including the closed caption data from the broadcast signal, see col. 3-line 16 to col. 4-line 36);*

*(b) detecting information on the format of the closed caption data from the received information including the closed caption data and determining the format of the closed caption data (the frame code detect unit 208 of the unit 20-fig. 2, and 3 detects information on the format of the closed caption data and determining the format, see col. 4-line 36 to col. 6-line 51); and*

*(c) decoding the closed caption data according to the determined format of the closed*

*caption data and displaying the closed caption data to a user* (the closed caption data inherently decoded according to the determined format, and displayed to a user).

Regarding claim 3, a field reserved for closed caption information could be extracted for detection of the format of the closed caption information.

Regarding claim 7, the system of Tults is capable of sensing the value of a predetermined pattern corresponding to the field and sensing the starting part of the field.

Regarding claim 14, the claim has similar limitations as claim 7. Therefore, it is rejected under Tults for the same reasons set forth in the rejection of claim 7.

Regarding claim 15, the claim has similar limitations as claim 1. Therefore, it is rejected under Tults for the same reasons set forth in the rejection of claim 1.

Regarding claim 10, the claim has similar limitations as claim 1. Therefore, it is rejected under Tults for the same reasons set forth in the rejection of claim 1. The extractor unit 20-fig.2 corresponds to a header extraction unit. The detect unit 208-fig.3 corresponds to a caption format detection unit. The microprocessor 50-fig.2 corresponds to determination unit. The receiver-fig.2 inherently includes a decoder unit.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 4, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tults, in view of Safadi et al. (US 7,050,109), hereinafter referred to as Safadi.

Regarding claim 2, Tults discloses all claimed limitations, except the format of the closed caption data includes one of a format defined by and EIA-608 or EIA-708.

One skill in the art would recognize the advantage of having the closed caption data decoded and displayed according to the standard formats of either EIA-608 or EIA-708, so that closed caption data could be extracted from a broadcast signal, and decoded to a desired displayed format to a user.

Safadi discloses methods and apparatus for the provision of user selected advanced close captions. In Safadi the closed caption information may comprise one of EIA-608 or EIA-708, see col. 4, lines 55-57.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Tults with Safadi.

The suggestion/motivation for doing so would have been to provide a standard closed caption information in the format of EIA-608 or EIA-708 so that the closed caption data could be extracted, decoded, and displayed according to a desired format to a user.

Therefore, it would have been obvious to combine Tults with Safadi to obtain the invention as specified in claim 2.

Regarding claims 4, and 14, please see the rejection of claim 2. In Safadi, the closed caption information should include caption data that includes a format of either EIA-608 or EIA-708.

***Allowable subject matter***

6. Claims 5-6, 8-9, and 12-13 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomsen (US 2002/0067428) is cited to show method and apparatus for detecting format of closed caption data automatically and displaying the caption data, which is considered pertinent to the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

7-11-07